

**NOTICE OF DECISION
SITE PLAN REVIEW UNDER SECTION IV-B.6.a**

Certified #7018 1830 0000 1812 5410

IN THE MATTER OF:

Applicant: W/S Old Derby Street, LLC.

Premises: 124 Old Derby Street
106 Old Derby Street
90 Derby Street
Hingham, MA 02043

Date: November 6, 2018

Plan Reference: “Civil Disposal Field Layout, Derby Street Shoppes, Hingham, MA, Replacement Disposal Field, W/S/M Hingham Properties LLC”, Sheet 02-C-01, Leaching Field Plan for 54,000 gpd capacity, prepared by Tata & Howard.

Summary of Proceedings:

This matter came before the Planning Board on the application of W/S Old Derby Street, LLC. for Site Plan Review under Section IV-B.6.a for a non-residential improvement costing >\$20,000 and request for waivers of the submittal requirements in (c, e, f -traffic analysis only, and g) for a project consisting of the construction of the leaching field (soil absorption system, or “SAS”) on land known as 124 Old Derby Street, 106 Old Derby Street and 90 Derby Street, zoned Industrial Park and South Hingham Overlay District. The application was submitted on October 23, 2018.

The Planning Board heard the application at a regular meeting on November 5, 2018 in the Hingham Town Hall at 210 Central Street. Members of the Planning Board present were Gary Tondorf-Dick, Judith Sneath, Jennifer Gay Smith and Gordon Carr. Attorney Robert Devin, Victoria Maguire of W/S Development, Taylor Dowdy, BSC; Steve Landry and Meagan Heslin, Tata & Howard were in attendance for the applicant.

The applicant introduced the proposal by explaining that the scope of the site plan was for the installation of the SAS for 54,000 gallons per day, and that they would like to grade the reserve leach field area. They still require Board of Health approval to install the SAS and their next hearing is November 13, 2018. They will install the landscaping as shown on the overall plan in the areas immediately adjacent to the area of disturbance.

The grading does extend to the property line but there is a swale and pipe collection system on the western property line to collect the water before it flows off site. The Board was concerned about potential drainage impacts to the abutting properties as well as the lack of any site buffering on the western boundary. The Board asked if the roadways would be blocked and the applicant explained that the construction site did not impact the vehicular circulation and would be fenced in. The Board found that the technical details of the system would be heard by the Board of Health. The Board did want the peer review engineer to opine on the drainage design and provide a statement as to whether the design met the storm water standards before construction began. The applicant would need to supplement the file for this to happen. After additional discussion the Board moved to deliberation.

Findings:

Board members then reviewed the project in accordance with the Site Plan Review Criteria contained in Section I-I (6) as follows:

- a. *protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;*

The Board found that there is no outdoor lighting associated with the SAS installation. The plans submitted show work on 124 Old Derby Street, 106 Old Derby Street & 90 Derby Street and the applicant requested to amend their application to reflect all addresses.

- b. *convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;*

The Board found that the construction area is fenced off and the staging area is within the fenced off area, and that vehicular circulation will not be impacted by the construction work.

- c. *adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;*

The Board found that this is not applicable.

- d. *adequacy of open space and setbacks, including adequacy of landscaping of such areas;*

The Board found that the plan as submitted does not indicate the plantings and seed mix adjacent to the area of disturbance as the comprehensive application does.

- e. *adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;*

The Board found that Board of Health approval is required for this project.

- f. *prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;*

The Board found that a Notice of Intent was approved by the Conservation Commission on 4/12/18. They also found that compaction of soils may impact the reserve area.

- g. *assurance of positive stormwater drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and stormwater pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Stormwater Management Policy and Standards, and Massachusetts Erosion and Sediment Control Guidelines.*

The Board found that the drainage impacts of this grading plan was not reviewed as part of this application and that the grading appears to extend to the property line. The applicant should consider pulling grading back from property lines or submit sufficient information for review by the peer review engineer to demonstrate that drainage will not impact adjacent properties. In addition, the erosion controls must be in, and inspected by staff prior to the start of work. A “details” sheet should be included to show the erosion control details, and the construction schedule should also be included on this sheet. And a copy of the SWPPP and O&M plan shall be submitted to the Planning Department for the file.

- h. *protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;*

The Board found that this is not applicable.

- i. *minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site.*

The Board found that the previous development is to be replaced with the SAS, landscaping and ultimately parking lot for the retail use.

DECISION AND VOTE:

The Board first considered the request for a partial waiver of site plan review submittal requirements submittal requirements C, E, F (traffic analysis only) and g. The Board then moved, seconded and so voted to approve the partial waiver of site plan review

submittal requirements submittal requirements C as requested, E with the exception of landscaping, F (traffic analysis only), G as requested and I as requested to accept the material as submitted as sufficient.

The Board then Moved, Seconded and SO VOTED to APPROVE the Site Plan Review for 124 Old Derby Street, 106 Old Derby Street & 90 Derby Street as shown on the plans titled “Civil Disposal Field Layout, Derby Street Shoppes, Hingham, MA, Replacement Disposal Field, W/S/M Hingham Properties LLC”, Sheet 02-C-01, Leaching Field Plan for 54,000 gpd capacity, prepared by Tata & Howard, based on the findings, with the waivers, and subject to the following conditions:

1. The revised plan submittal should reference all addresses.
2. The applicant should consider and depict on the revised plan additional Norway spruce or other trees to provide screening along the western property line.
3. Plan shall be revised to show the plantings and seed mix on the northeast and northwest boundaries of disturbance.
4. Landscaping shall be installed after installation of the SAS installation as weather permits.
5. Applicant is responsible for securing all other state and local permits required for this installation prior to the start of work.
6. The reserve area shall be fenced off, left undisturbed, and shall not be utilized for storage until and unless the clearing or other storage of materials is authorized by the Board of Health or their agent.
7. The file must be supplemented with details on drainage that demonstrates no increase in concentration or volume of flow so that the peer review engineer can verify compliance with the storm water management policy and standards
8. Prior to construction the erosion controls must be inspected by the Town Planner or Conservation Agent.
9. No hay or straw to be used for erosion control devices.
10. Plan shall be revised to include a details sheet and construction schedule.
11. The Swppp and O&M plan must be provided to Planning Department prior to start of work
12. Applicant must maintain records of inspections and ongoing maintenance on site.
13. Post construction all annual inspection reports shall be provided to the Planning Department by November 30th annually.

Gordon M. Carr
Chairman, Hingham Planning Board

In favor: Gay Smith, Tondorf-Dick, Sneath, Carr
Opposed: none

Cc: Town Clerk, Building Department, Assessor, BOH, R. Devin, ZBA, Conservation